

13-20-00377-CV

FILED IN
13th COURT OF APPEALS
CORPUS CHRISTI/EDINBURG, TEXAS
9/8/2020 10:26:27 AM
KATHY S. MILLS
Clerk

In The Court Of Appeals
Thirteenth District Of Texas At Corpus Christi

CERTAIN UNDERWRITERS AT LLOYD’S OF LONDON SUBSCRIBING
TO POLICY NO. NAJL05000016-H87, as Subrogee of Momentum Hospitality,
Inc. & 75 and Sunny Hospitality d/b/a Fairfield Inn & Suites,

Plaintiff-Appellant

v.

MAYSE & ASSOCIATES, INC.,

Defendant-Appellee.

**APPELLEE, MAYSE & ASSOCIATES, INC.’S OPPOSITION
TO APPELLANT’S MOTION TO “CONSOLIDATE” THE APPEALS**

Mayse & Associates, Inc. (“Mayse”) respectfully suggests that it is premature for the Underwriters to seek to “consolidate” appeals until it is clear which, if any, of their appeals relating to Mayse are properly before this court. The Underwriters have admitted that their appeal of the Court’s June 11, 2020 Order was not timely. Underwriters have filed a motion to retroactively file a notice of appeal of that order. Mayse has opposed that notion.

On September 3, 2020, Mayse & Associates, Inc. (“Mayse”) received the Court’s letters dated September 3, 2020 to Underwriters’ counsel advising that the

following District Court's orders are not appealable: Order denying Plaintiff's Motion for New Trial, Motion to Modify the Judgment and Motion for Reconsideration signed August 24, 2020 (13-20-00376-CV) and the Order granting Mayse's Motion to Strike the Supplemental Affidavit of Mr. Itle attached to Underwriter's Motion for New Trial, Motion to Modify the Judgment and Motion for Reconsideration signed August 24, 2020 (13-20-00375-CV) are not appealable.

Mayse would ask to be allowed to wait until after the Court rules on Underwriters' Motion for an Extension of Time to Retroactively File an Appeal before it responds to Plaintiff's Motion to Consolidate appeals.

Respectfully submitted,

CAPSHAW & ASSOCIATES
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/s/ Stanhope B. Denegre

By:

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COUNSEL FOR APPELLEE
MAYSE & ASSOCIATES, INC.

CERTIFICATE OF SERVICE

Pursuant to Rule 21 of the Tex. R. Civ. P., I hereby certify that on the 8th day of September 2020, a copy of the foregoing document was served upon all attorneys of record.

/s/ Stanhope B. Denegre

Stanhope B. Denègre

Automated Certificate of eService

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Richard Capshaw on behalf of Stanhope Denegre
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Status as of 9/8/2020 11:01 AM CST

Associated Case Party: Certain Underwriters at Lloyd's of London Subscribing to Policy No. NAJL05000016-H87, as Subrogee of Momentum Hospitality, Inc. & 75 and Sunny Hospitality d/b/a Fairfield Inn & Suites,

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Davette Seldon		dseldon@dt-law.com	9/8/2020 10:26:27 AM	SENT

Associated Case Party: D'Amato Conversano, d/b/a DCI Engineers, and Mayse & Associates, Inc

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